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U.S. Patent and Trademark Office

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FROM: Kurt Rauschenbach, Ph.D.
DATE:
RE: Patent Application Serial Number 10/005,065
CLIENT:
PAGES: 5 Including this page

COMMENTS. Mr. Samuels As we discussed, attached is a copy of the Response to Communication Re: Retroactive License Under 37 CFR 5.25 that we filed on May 5, 2003 including a copy of the stamped return receipt postcard and the Filing Receipt that was mailed on January 25, 2003. Please let me know if you need additional information. Thank you. -Kurt

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UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/005,065	12/04/2001	2812	562	OPT-003	8	32	5

CONFIRMATION NO. 9476

23701
LAW OFFICES OF KURT RAUSCHENBACH
POST OFFICE BOX 387
BEDFORD, MA 01730

FILING RECEIPT

11/24/2003 16:16 FAX 781 271 1527 KURI RAUSCHENBACH
"0000000007364828"

Date Mailed: 01/25/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Stephen B. Krasulick, Fogelsville, PA;
Terence D. Grenda, Perkasié, PA;
Paul Kit Lai Yu, San Diego, CA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/304,496 07/11/2001

Foreign Applications

If Required, Foreign Filing License Granted 01/25/2002

Projected Publication Date: 01/16/2003

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Electro-absorption modulated laser with high operating temperature tolerance

Preliminary Class

438

ATTY. DOCKET NO. OPT-003

The "RECEIVED" stamp of the U.S. Patent and Trademark Office imprinted hereon acknowledges the filing of:

Response To Communication Re: Petition For Retroactive License under 37 CFR 5.25 (2 pgs.); Copy of Filing Receipt (2 pgs.); and Return Receipt Postcard.

Applicant: Krasulick et al.
Serial No.: 10/005,065
Filed: December 04, 2001
Docket No.: OPT-003
Attorney: Kurt Rauschenbach



Date Mailed: May 5, 2003

Attorney Docket No. OPT-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Krasulick, et al.
SERIAL NO.: 10/005,065 GROUP NO.: 2812
FILING DATE: December 4, 2001 EXAMINER: Ian J. Lobo
TITLE: ELECTRO-ABSORPTION MODULATED LASER WITH HIGH
OPERATING TEMPERATURE TOLERANCE

RESPONSE TO COMMUNICATION RE: RETROACTIVE LICENSE UNDER 37 CFR 5.25

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This document is a response to the communication mailed on March 17, 2003 from the Examiner denying Applicants' Petition for Foreign Filing License under 37 CFR 5.14 for the above-identified patent application. Applicants respectfully submit that a Retroactive License under 37 CFR 5.25 is no longer necessary because the Applicants received the filing receipt granting a foreign filing license for the subject patent application before the filing of any foreign patent application. Therefore, the Applicants respectfully request withdrawal of the Petition for Retroactive License under 37 CFR 5.25.

The relevant events are summarized below:

- December 4, 2001 – Applicants filed the above-identified patent application with the U.S. Patent and Trademark Office (USPTO).
- January 25, 2002 – USPTO mailed the filing receipt for the above-identified patent application, which stated that the foreign filing license was granted on January 25, 2002. A copy of the filing receipt is attached.
- January 30, 2002 – Applicants submitted a Petition for a Foreign Filing License Under 37 CFR 5.14 in anticipation of filing a Japanese national patent application because the Applicants had not yet received the filing receipt from the USPTO indicating that a foreign filing license was granted.
- February 13, 2002 – A Japanese national patent application claiming priority to the above-identified U.S. patent application was filed in the Japanese Patent Office (JPO).

RESPONSE TO COMMUNICATION
RE: Foreign Filing License under 37 CFR 5.14
Serial No.: 10/005,065
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As indicated by the above summary of relevant events, the U.S. Foreign Filing License was granted on January 25, 2002, before the filing of the Japanese patent application in the JPO. Therefore, a Retroactive License under 37 CFR 5.25 is unnecessary.

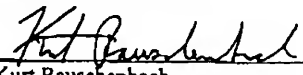
FEE AUTHORIZATION

Should any fee associated with the submission of this response and/or the withdrawal of Applicants' Petition be required, the Commissioner is authorized to charge the appropriate fee to our Deposit Account, No. 501211.

Date: May 05, 2003
Reg. No. 40,137

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Respectfully submitted,


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